

STATE OF MICHIGAN  
COURT OF APPEALS

---

UNPUBLISHED

March 17, 2011

In the Matter of R. SIMON, Minor.

No. 299147

Genesee Circuit Court

Family Division

LC No. 08-124698-NA

---

Before: SAWYER, P.J., and MARKEY and FORT HOOD, JJ.

MEMORANDUM.

Respondent appeals by right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 350, 356-357; 612 NW2d 407 (2000). The lower court's decision should not be reversed if there was sufficient evidence under any statutory ground, regardless whether the court erred in finding sufficient evidence under other grounds. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

The lower court did not err when it found clear and convincing evidence that the conditions leading to adjudication continued to exist and were not reasonably likely to be rectified in a reasonable time, considering the child's age, MCL 712A.19b(3)(c)(i). Although respondent complied with services, the issue was whether she sufficiently benefited. See *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005); *In re CR*, 250 Mich App 185, 196; 646 NW2d 506 (2002). After a year and a half, respondent had improved the cleanliness of her home, but not enough to make it an appropriate home for a child. The continuing problems were more than the feces and urine throughout the carpet, which respondent made no effort to remove or replace despite repeatedly being told it must be removed. She received counseling and parent aide services, yet the psychologist was unable to determine why she did not maintain basic standards of cleanliness because she did not lack the necessary intellectual ability. She had previously received services for the same problem.

The same evidence supports the lower court's finding that respondent failed to provide proper care and custody and was not reasonably likely to within a reasonable time, MCL 712A.19b(3)(g), and her child was reasonably likely to be harmed if returned, MCL 712A.19b(3)(j). Respondent argues that there was no evidence her child was harmed. The evidence, however, proved her child suffered physical and emotional harm, including severe lice and infected flea bites, because of the home's condition and numerous cats.

The lower court must also find that termination is in the child's best interests before it terminates a respondent's parental rights. MCL 712A.19b(5). The child's bond with respondent and the many years she spent in her care were relevant to this determination. *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004). There was testimony that the child required counseling because of her separation from respondent; however, respondent failed to demonstrate her commitment to her child by maintaining a sanitary home or quickly improving her home's condition after her child was removed. Although the lower court opined that continued contact might be appropriate, it did not find that it would be safe for the child to live in respondent's home within a reasonable time. The child required a permanent home. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The lower court did not err when it found that terminating respondent's parental rights was in the child's best interests.

We affirm.

/s/ David H. Sawyer  
/s/ Jane E. Markey  
/s/ Karen M. Fort Hood